IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.73 of 2007

Mohd.Ibrahim Md. Hussain ...Petitioner

vs.

Rafique ahd.Moharam Ali and ors. ...Respondents

Mr.Hardas for Mr.P.N.Joshi for the Petitioner
Mr.Bubna for the Respondents.

CORAM: A.S.OKA,J.
DATE : APRIL 9,2007.

P.C.:

1. The learned Advocate for the Petitioner on instructions of the Petitioner states that he is not pressing the Petition on merits. He states that the Petitioner is personally present in the Court. He, however, submits that considering the fact that the Petitioner is carrying on business in the suit premises for last several years, sufficiently longer time to vacate the suit premises be granted. He submits that minimum three years time may be granted to vacate. The Advocate for the Respondents opposes the prayer for grant of time to vacate. He submits that the first respondent is at present 70 years of age and he needs the premises immediately.

2. The Petitioner is not pressing the Petition on merits and therefore, the decree passed in favour of the Respondents will attain finality. Though the bonafide requirement is upheld, there are premises available at present with the Respondents as found by the Appellate Court. The Petitioner is carrying

on business for a very long time and therefore, considering the facts and circumstances of the case, time to vacate deserves to be granted till 31st December 2009. It is obvious that the Petitioner will have to furnish usual undertaking to vacate.

3. Hence, Revision Application is disposed of by passing the following order :

i) Revision Application is dismissed as not pressed.

ii) Notwithstanding the dismissal of the Revision Application, decree for possession shall not be executed till 31st December 2009 subject to the Petitioner furnishing usual undertaking to this Court to vacate the suit premises on or before the time granted by this Court. Undertaking to be filed within a period of four weeks from today.

iii) If undertaking is not filed within stipulated period, the Respondents will be entitled to forthwith execute the decree.

iv) No order as to costs.

JUDGE